

Introduced by Senator Cox

February 21, 2006

An act to amend Section 655.2 of the Harbors and Navigation Code, relating to harbors and navigation.

LEGISLATIVE COUNSEL'S DIGEST

SB 1378, as introduced, Cox. Harbors and navigation: dive flag.

Existing law prohibits the operation of vessels in excess of 5 miles per hour near bathers, as specified, and certain beaches and floats.

This bill would additionally prohibit the operation of vessels in excess of 5 miles per hour within 100 feet of a dive flag, as defined. By creating a new crime, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 655.2 of the Harbors and Navigation
- 2 Code is amended to read:
- 3 655.2. (a) ~~Every~~ *An* owner, operator, or person in command
- 4 of ~~any~~ *a* vessel propelled by machinery is guilty of a
- 5 misdemeanor who uses it, or permits it to be used, at a speed in

1 excess of five miles per hour in any portion of the following
2 areas not otherwise regulated by local rules and regulations:

3 (1) Within 100 feet of ~~any~~ a person who is engaged in the act
4 of bathing. A person engaged in the sport of water skiing shall
5 not be considered as engaged in the act of bathing for the
6 purposes of this section.

7 (2) *Within 100 feet of a dive flag. For the purposes of this*
8 *section, “dive flag” means a flag at least 12 inches in height by*
9 *12 inches in width with a red background and a white diagonal*
10 *stripe that is one-fifth the width of the flag, which is displayed*
11 *when a person is diving or swimming below the water’s surface*
12 *with the aid of a breathing device.*

13 ~~(2)–~~

14 (3) Within 200 feet of any of the following:

15 (A) A beach frequented by bathers.

16 (B) A swimming float, diving platform, or lifeline.

17 (C) A way or landing float to which boats are made fast or
18 which is being used for the embarkation or discharge of
19 passengers.

20 (b) This section does not apply to vessels engaged in direct
21 law enforcement activities ~~which~~ *that* are displaying the lights
22 prescribed by Section 652.5. Those vessels are also exempt from
23 any locally imposed speed regulation adopted pursuant to Section
24 660.

25 SEC. 2. No reimbursement is required by this act pursuant to
26 Section 6 of Article XIII B of the California Constitution because
27 the only costs that may be incurred by a local agency or school
28 district will be incurred because this act creates a new crime or
29 infraction, eliminates a crime or infraction, or changes the
30 penalty for a crime or infraction, within the meaning of Section
31 17556 of the Government Code, or changes the definition of a
32 crime within the meaning of Section 6 of Article XIII B of the
33 California Constitution.